

REMARKS

Claims 1-17 are pending in this application; claims 1 and 9 are independent claims. In the Office Action dated June 15, 2009, the Examiner has rejected pending claims 1-17 based, in part, on newly cited reference US Patent No. 6,751,446 to Kim et al. ("Kim 3"). For the reasons, discussed below and based on the amendments to independent claims 1 and 9, Applicant respectfully submits that all pending claims are allowable over the cited prior art.

In the current Office Action, claims 1-17 stand rejected on the following grounds: claims 1-5, 8-10, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2003/0064758 to Mizuta et al. ("Mizuta") in view of newly cited Kim 3; claims 16 and 17 are rejected under 35 U.S.C. 103(a) as unpatentable over Mizuta in view of newly cited Kim 3 as applied to Claims 1 and 9 and further in view of previously cited Kim 1 (US Patent No. 6,359,984); claims 6 and 11 are rejected under 35 U.S.C. 103(a) as unpatentable over Mizuta in view of newly cited Kim 3, as applied to claims 3 and 9, and further in view of previously cited Kim 2 (US Patent No. 6,993,366); claims 7 and 12 are rejected under 35 U.S.C. 103(a) as unpatentable over Mizuta in view of newly cited Kim 3, as applied to claims 6 and 11, and further in view of Kim 2 and further in view of US Patent No. 6,819,939 to Masamura ("Masamura"); and claim 15 is rejected under 35 U.S.C. 103(a) as unpatentable over Mizuta in view of newly cited Kim 3, as applied to claim 9, and further in view of US 2002/0198017 to Babasaki et al. ("Babasaki").

Applicant directs the Examiner to Applicant's prior response, which is incorporated herein, for a discussion of previously cited Kim 1 and Kim 2. With respect to claim 1, the Examiner applies newly cited Kim 3 in the following regard. The Examiner describes Kim 3 as having a body (1) comprised of a front panel (1b) and a back panel (1a) wherein "the outer surface of the front panel (1b) is the face" and "the first speaker (6) is on the upper or top side,

which is an end, of **said front panel**.” Office Action at 4 (emphases added). Referring to Figs. 1 and 2 of Kim 3, it is apparent that newly cited Kim 3 does not disclose a second speaker on the face of the housing in Fig. 1, which the Examiner has already defined as “the outer surface of the front panel (1b).” Indeed, what is shown on the face of Fig. 1 is a speaker 6 at one end of the face and a microphone 5 at the other end of the face. For that reason, Kim 3 when combined with Mizuta or any other cited reference cannot render claim 1 obvious. For similar reason, Kim 3, when combined with Mizuta also does not render independent claim 9 obvious. However, the Examiner, in applying Kim ignores his own previous definition of the term “face” (see above) of the Kim 3 device and incorrectly asserts that the speaker (11), which is shown in Fig. 2 of Kim 3 on the back panel (1a) of the body 1, is the second claimed speaker. In support, the Examiner asserts that “second speaker (11) can be fitted at any position on the body (1).” However, Kim 3 does not expressly recite that the second speaker (11) may be provided at the other end of the face, which the Examiner has already defined as “the **outer surface** of the front panel (1b).” Indeed, it can be seen from Fig. 1, that the other end of the face is already fitted with microphone 5. Thus, newly cited Kim 3 and Mizuta are no more effective than the previously cited Kims (Kim 1 and Kim 2) in rendering the claims obvious.

Notwithstanding the foregoing obvious differences between the pending claims and the cited prior art, Applicant has amended independent claims 1 and 9 to further distinguish all the pending claims over this prior art. As recited, claim 1 now make clear that the first speaker is provided at one end of a face and in a longitudinal direction of said first housing and the second speaker is provided on the other end of the [same] face and in a longitudinal direction of said first housing. Independent claim 9 is similarly amended. As explained above, in Kim 3, a first speaker 6 is provided at one end of a body (housing) 1 in a longitudinal direction thereof as

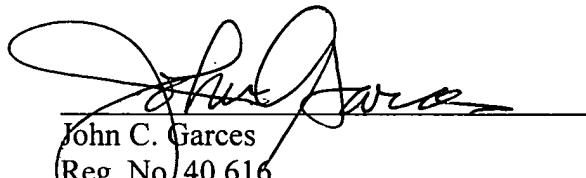
shown in Fig. 2. However, a person of ordinary skill in the art would never provide a second speaker 11 at the other end of the body 1 in the longitudinal direction thereof because a microphone 5 is already provided at the other end of the body 1 in the longitudinal direction. Therefore, if the second speaker 11 is provided at the other end of the body 1 in the longitudinal direction, as argued by the Examiner, the microphone 5 and the second speaker 11 would be unable to function. In Kim 3, the second speaker 11 is provided on a back face of the body 1 (in a direction orthogonal the longitudinal direction) as the Examiner explains, in order to solve this problem. Consequently, in newly cited Kim 3, it is impossible to provide the second speaker at the other end in the longitudinal direction while the first speaker is provided at one end in the longitudinal direction as shown in Fig. 1.

In contrast, as shown in Figs. 1 and 3 of Applicant's specification, because two speakers 13a, 13b are provided on the first housing 32 and the microphone 15 is provided on the second housing 34, it is possible to provide a first speaker at one end and a second speaker at the other end of the first housing in the longitudinal direction thereof.

For the foregoing reasons, and for the reasons articulated in Applicant's prior response, which is incorporated herein, Applicant respectfully submits claims 1-17 are now allowable over the cited prior art. Payment of the appropriate fees, if any, and/or granting of the

appropriate extension is requested, and the Commissioner is directed to debit our deposit account, Account No. 50-0675, Order No. 848075/0060, for the amounts required.

Respectfully submitted,



Date: September 15, 2009

John C. Garces
(Reg. No. 40,616)
Schulte Roth & Zabel, LLP
919 Third Avenue
New York, NY 10022
Tel.: (212) 756-2215